

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RICHARD BREUNINGER *et al.*,

Plaintiffs,

-v-

T. EDWARD WILLIAMS *et al.*,

Defendants.
-----X

20 Civ. 7033 (JPC) (RWL)

ORDER

JOHN P. CRONAN, United States District Judge:

On June 20, 2024, the Court issued an Opinion and Order dismissing all of the Supplemental Counterclaims brought by Defendants and Counter-Claimants T. Edward Williams and Jane Doe Williams (“Counter-Claimants”), with the exception of their fourth counterclaim for unjust enrichment and quantum meruit against Plaintiffs and Counterclaim Defendants Richard Breuninger and ITGA LLC. *See* Dkt. 297 (“Opinion”). Counsel for the Counter-Claimants is T. Edward Williams himself, and Jane Doe Williams supposedly is his wife. Commenting that the Court struggles to understand why Jane Doe Williams would be named anonymously, given that presumably Mr. Williams knows his own wife’s name, the Court directed that, within fourteen days, “the parties must (1) amend the operative pleadings for the limited purpose of naming [the John and Jane Doe] parties, (2) dismiss these parties from this action, or (3) move to litigate with these parties under pseudonym.” *Id.* at 1 n.1 (citation omitted). The deadline has passed, and Counter-Claimants have done none of those things.

Rather than comply with the Court’s directive, yesterday Mr. Williams sought a certificate of default against Breuninger and ITGA. *See* Dkts. 306, 307. That proposed certificate of default was rejected by the Clerk’s Office for a litany of filing deficiencies. Mr. Williams then sought

another certificate of default against those parties. *See* Dkts. 308, 309.

Mr. Williams is advised to focus his attention on complying with the Court's order in footnote 1 of the Opinion. But for now, given that the Supplemental Counterclaims may need to be amended consistent with that directive, the Clerk of the Court is respectfully directed not to issue a certificate of default against Breuninger or ITGA.

The Court also *sua sponte* extends the deadline for Counter-Claimants to comply with that directive by (1) amending the Supplemental Counterclaims for the limited purpose of naming Jane Doe Williams, (2) dismissing that party as a Counter-Claimant, or (3) moving to litigate with her under pseudonym, until July 18, 2024. Failure to comply with this deadline may result in dismissal with prejudice of the Supplemental Counterclaims. *See, e.g., LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001); Fed. R. Civ. P. 41(b).

Lastly, the Court understands that Mr. Williams called the Clerk's Office earlier today regarding that office's (entirely proper) rejection of his request for a certificate of default and that, during this conversation, he spoke to two members of the Clerk's Office staff in a disrespectful manner. Mr. Williams is reminded of his obligation as an officer of this Court to conduct himself in a manner becoming of his profession. *See, e.g., New York State Standards of Civility, Lawyers' Duties to the Court and Court Personnel* § I.A ("Lawyers should speak and write civilly and respectfully in all communications with the court and court personnel."). Continued unprofessional behavior by Mr. Williams may result in sanctions.

SO ORDERED.

Dated: July 11, 2024
New York, New York



JOHN P. CRONAN
United States District Judge